IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.702 OF 2005

Anil A. Ahivale. ...Petitioner.

Vs.

The Secretary, Rayat Shikshan
Sangh, Satara & Ors. ...Respondents.

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Mr. Vishwanath Talkute for the Petitioner.

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CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

June 13, 2005.

P.C.:

The Petitioner was appointed as a Full Time Lecturer in Hindi in Mahila Mahavidyalaya at Ahmednagar, conducted by the First Respondent, on probation for two years. The services of the Petitioner came to be confirmed on 14th March 1995 upon the satisfactory completion of the period of probation. The appointment was approved by the University of Pune. The grievance of the Petitioner is that he was subjected to harassment by the First Respondent by repeated orders of transfer passed at short intervals. On 4th February 1997, the services of the Petitioner

came to be terminated on the ground that he had abandoned service. The Petitioner filed an appeal before the University Tribunal and by an order dated 27th November 1998, the termination was set aside; a declaration was issued that the Petitioner was in continuous service from 15th March 1993 and a confirmed Lecturer since 15th March 1996 and there was a direction to the First and Second Respondents to reinstate him and to pay arrears of salary in the scale from 1st July 1996 till the date of reinstatement. The First and Second Respondents filed a Writ Petition before this Court (Writ Petition 493 of 1999) in which initially an ad-interim stay of the order of the Tribunal came to be granted. However, the order of stay was vacated on 14th July 2003 and the petition came to be dismissed on merits on 11th February 2005 by a Division Bench of this Court.

2. The grievance of the Petitioner is that an exercise of fixation of the salary in the appropriate scale has not been carried out and that his arrears have not been paid. We find merit in the contention of the Petitioner that this exercise would have to be

carried out in view of the fact that the Petition filed by the management against the order of the University Tribunal has been dismissed and the order for reinstatement with arrears has been confirmed.

3. In the circumstances, the petition is disposed of by directing the First and Second Respondents to submit a proposal for the fixation of the salary of the Petitioner to the competent authority within a period of two weeks from today. The competent authority shall decide upon and fix the salary of the Petitioner within a period of four weeks thereafter. The First and Second Respondents are directed to pay to the Petitioner his salary as fixed in accordance with law and to pay the arrears, if any, that are due and payable within a period of three months of the order of the competent authority. The petition shall stand disposed of in the aforesaid terms. There shall be no order as to costs.

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